

STATE OF VERMONT BOARD OF MEDICAL PRACTICE

In re: Gene W. Wu, M.D.

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Docket No. MPS 65-0603

CESSATION OF PRACTICE AGREEMENT

NOW COME Gene W. Wu, M.D., (Respondent), and the State of Vermont, by and through Attorney General William H. Sorrell, and agree and stipulate as follows:

1. Gene W. Wu, M.D., holds Vermont Medical License Number 042-0009913, issued by the Board of Medical Practice on August 24, 1999. Respondent, an anesthesiologist, holds privileges at the Copley Hospital of Morrisville, Vermont.

2. Jurisdiction vests with the Vermont Board of Medical Practice (Board) by virtue of 26 V.S.A. § 1353 and other provisions of Chapter 23 of the Vermont statutes.

I. Background.

3. Respondent has informed the Board that he voluntarily has taken a leave of absence from his medical practice in June 2003, due to medical disability. Respondent's condition has improved, but he will not immediately return to the practice of medicine due to continuing treatment.

4. Based on his current medical condition, his treatment needs, the advice of his treating doctors, and his concern for the welfare of his patients, Respondent has determined that he shall voluntarily enter into this agreement with the Vermont Board of Medical Practice and shall refrain from the practice of medicine until such time as he has recovered sufficiently and can return safely to the practice of medicine. Thus, Respondent has determined that he will voluntarily enter into the instant agreement with the Vermont Board of Medical Practice

so as to set forth in writing the terms for temporary cessation of medical practice by him and for his expected return to the practice of medicine at a later date.

5. Respondent acknowledges that he has been offered the opportunity to obtain an attorney and receive legal advice and counsel regarding this matter. He agrees and fully understands that by executing this document he is waiving the necessity of any proceedings, findings, and order by the Board of Medical Practice so as achieve instead an immediate, informal disposition of this matter. 3 V.S.A. § 809(d). Thus, Respondent voluntarily and knowingly agrees to the terms and conditions herein.

6. Respondent understands that subsequent to the pendency of this agreement he may be required to enter into other terms and conditions and that these may be set out in a further Board order providing for the issuance to him of a conditioned license. Such order may require Board approval and monitoring of Respondent's medical condition and treatment. Respondent has indicated his desire to cooperate fully with the Board in this regard. Thus, the parties have entered into the instant Cessation of Practice Agreement and Consent Order, which is intended to serve as an interim means of facilitating care of Respondent's medical needs and ensuring the safety of the public. The parties fully contemplate that Respondent will be returning to the practice of medicine at a later date under terms, if any, that may be agreed upon.

II. Terms as to Cessation of Practice.

7. It is agreed by the parties that Respondent has indicated that he ceased the practice of medicine in late-Spring 2003 due to his medical condition. Respondent agrees that he shall desist hereafter, following execution of this agreement, from any and all practice of

medicine, including prescribing, in the State of Vermont or elsewhere until: (a) his current medical condition has sufficiently improved, and it is deemed safe for him to return to the practice of medicine, such determination to be made by the Board, in its sole discretion; and (b) he and the Board fully resolve the any conditions and requirements, if any, that shall govern his future practice activities, his care and treatment, and monitoring thereof by the Board; or (c) further order of the Board. Respondent agrees that he shall undergo such assessment or evaluation, if any and only if deemed necessary, as may be required by the Board prior to or following his return to the practice of medicine.

8. Respondent agrees that he shall execute any and all waivers that may be required for the Board, its staff, or agents to review any and all assessments, evaluations, diagnoses, records, or reports regarding his care and treatment and his medical condition. Concurrent with this agreement, Respondent has signed a general authorization for the release of his medical records and information to the Board. Respondent agrees not to terminate such authorization and to execute such further authorizations for the release of his medical records and information as might be required by the Board. Consistent with this authorization Respondent also agrees that the Board or its agents may communicate orally to obtain information from practitioners involved in the care and treatment of Respondent.

9. Respondent agrees to pursue in good faith and without interruption such care and treatment of his medical condition as may be recommended to him by treating professionals. Respondent shall bear all costs of care and treatment, assessment and/or evaluation, and monitoring and reporting but shall be permitted to share such costs with third parties, subject to Board review and approval.

10. The parties agree that Respondent shall retain all rights to due process regarding the status of his medical license, his medical condition, and ability to practice medicine safely.

11. The parties agree that Respondent may apply for modification or relief from the terms and conditions of this agreement, so as to permit him to return to the practice of medicine, when he and his treating practitioners agree that he is able to resume the practice of medicine in accord with standards recognized by the Vermont Board of Medical Practice. The Board agrees that this agreement will be modified, provided that the Board is satisfied that Dr. Wu is medically able to practice medicine safely and meets all other usual and customary requirements for licensure and practice as a physician in the State of Vermont. Respondent also understands and agrees that his compliance with the terms and conditions herein and with the recommendations of those providing care and treatment to him may be considered in any subsequent proceeding before the Board regarding his license.

12. Respondent agrees that he has read and carefully considered all terms and conditions herein as to informal disposition of this matter, agrees that these may be adopted as an enforceable order of the Board, pursuant to 3 V.S.A. § 809(d) and 26 V.S.A. § 1353(4), and agrees to accept and be bound by these until such time as he may be expressly relieved of these or they are modified, in writing, by the Board.

13. Consistent with Paragraph 10, above, Respondent agrees that the Board, in its sole discretion, may consider and approve a petition from Respondent at a later date for modification or relief, should the circumstances of Respondent's medical condition or recovery so warrant. Respondent expressly agrees that he shall promptly sign all consents

and/or waivers of confidentiality that may be required to permit complete disclosure of information required so that the Board may monitor his ability to practice medicine safely and consider any petition from Respondent seeking approval of his return to the practice of medicine.

14. The parties agree that this voluntary agreement does not constitute disciplinary action. However, the parties agree that this Cessation of Practice Agreement and Consent Order shall be a public document, shall be made part of Respondent's licensing file, and may be reported to other licensing authorities and/or entities including, but not limited to, the National Practitioner Data Bank and the Federation of State Medical Boards. Any such reporting shall clearly indicate that the instant agreement does not constitute a disciplinary action.

15. This Cessation of Practice Agreement and Consent Order is subject to review and acceptance by the Vermont Board of Medical Practice and shall not become effective until presented to and approved by the Board. If the Board rejects any part of this agreement, the entire agreement shall be considered void. However, if this agreement is deemed acceptable, the parties request that the Board enter an order adopting the terms and conditions set forth herein. Respondent agrees that the Board of Medical Practice shall retain jurisdiction in this matter and may enforce as necessary the terms and conditions herein, pursuant to 26 V.S.A. §1354(25) or other statutory authority.

Dated at Montpelier, Vermont, this 27th day of July, 2003.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

by: [Signature]
JAMES S. ARISMAN
Assistant Attorney General

Dated at Essex, Vermont, this 21 day of July, 2003.

[Signature]
GENE W. WU, M.D.
Respondent

FOREGOING, AS TO GENE W. WU, M.D.,
APPROVED AND ORDERED
VERMONT BOARD OF MEDICAL PRACTICE

Katherine M. Ready Donna Hall
Elizabeth A. [unclear]
[unclear]
John A. [unclear]
[unclear]
[unclear]
[unclear]
Margaret Funk Markin

DATED: _____

ENTERED AND EFFECTIVE: _____